

Remarks/Arguments:

The specification is amended to update the “Cross Reference to Related Applications” and the issued patent numbers corresponding to the appropriate serial numbers as requested by the Examiner.

The Official Action rejected the pending claims under 35 U.S.C. 103(a) as being unpatentable over Krenzke et al. (US 6,338,097) in view of PR Newswire Article. In summary, Krenzke et al. singly or in combination with any other reference, do not teach many required limitations. In particular, Krenzke et al. do not teach a keeping and expense tracking server that includes logic to render the time keeping and expense tracking server operable to accept employee time entries by way of the Internet, forward the time entries to a supervisor, monitor supervisor performance relating to approval of employee time entries, and generate a corresponding reward to the supervisor. The Applicants sincerely request reconsideration of the present action and allowance unless each item can be shown in a reference of an analogous art area and a teaching or motivation to combine any combined references. The Applicants do not believe the burden to form a proper rejection has been satisfied.

Krenzke et al. show a system for coordinating time entries to more accurately provide tracking of project expenses. The “CATS” system of Krenzke et al. is not a “network” as alleged in the official action. Rather, the CATS system merely appears to illustrate the logic of a device that accepts entries from a plurality of applications. Krenzke et al. do not show, either singly, or in combination with PR Newswire, a system for rewarding managers for timely approval of employee generated time entries.

Each of the independent claims requires a time keeping and expense entry server that monitors employee manager performance in relation to approval of employee invoices/time entries. Anyone that has ever worked for a large entity has likely encountered delay in expense approval processes. The teachings herein provide a solution utilizing a server that accepts entries, tracks supervisor performance and provides rewards for timely processing. The combination of Krenzke et al. and the PR Newswire article fail to show this. More specifically, Krenzke et al. do not show logic with a server that tracks employee manager performance and,

more specifically, transmission and receipt times for a specified individual (here, the manager) for the purposes of determining whether to generate an award. The PR Newswire, which Applicants do not believe can properly be combined with Krenzke et al. absent a suggestion to combine the two, teaches incentives for travelers and does not teach providing awards to employee managers for timely invoice/time entry approvals.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the references must teach or suggest all the claim limitation. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the cited references, and not based on applicant's disclosure. MPEP 2143, p. 2100-121 (August 2001).

To avoid repetition, the Applicant hereby examines claims 16, 17 and 18 below though many of the arguments also apply to the other remaining claims in the application. Each item in the recited claims below include emphasized portion that are not shown by the cited art either singly or in combination:

Claim 16 requires: A time keeping and expense tracking server comprising:

a processor;
a memory for storing computer instructions that define the operational logic of the server;
and

a bus coupled to allow the processor to receive and execute the computer instructions, wherein the computer instructions define logic that enables the server to:

receive time entries from a remote site by way of an Internet;
electronically produce the time entries to an employee manager for approval by way of a computer network;

receive approval from the employee manager by way of the computer network;
determine and store approval performance of the manager including timeliness of manager response;

generate one of the time entries or an invoice including the time entries for billing purposes;

define an award processing module, which award processing module compares manager IDs to stored approval performance and further determines whether an employee manager has approved employee time entries according to a specified process and should receive a reward;
and

generate an award for the manager.

Claim 17 requires: The server of claim 16 where the server also stores a bank of frequent flyer awards that may be issued to the manager for timely approval performance when appropriate.

Claim 18 requires: The server of claim 17 wherein the server issues frequent flyer awards according to specified guidelines that include determining whether the employee manager approved the time entries by a specified deadline.

The Applicants make reference to the emphasized portions of the claims above. The cited references do not show the emphasized portion or combination of said portions. Further, the Official Action states that PR Newswire discloses “rewarding compliant employees with an award being granted to the employee when complying with appropriate guidelines”.

PR Newswire does not, however, specifically disclose an employee supervisor receiving employee entered time entries and being rewarded for timely approval of such time entries made by employees. In the history of mankind, it is old to reward good behavior. The PR Newswire is not much more relevant than this admission. Neither such an admission nor the PR Newswire reference render obvious a specific system and associated process that relates to timely approval of employee timesheets by an employee supervisor because they are general and do not suggest the specific invention as limited by the claims.

CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jharrison@texaspatents.com*.

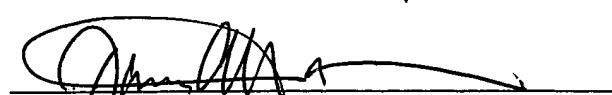
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 502126.

Please direct any questions or comments to the undersigned attorney regarding the Notice of Allowance in this case.

Respectfully submitted,

Date: January 10, 2005

By:



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